

REMARKS

In response to the action, Applicant has submitted a request for continuing examination, amended the specification and amended claims 1 to 4, 6, 7 and 10. Applicant respectfully requests reconsideration in view of the amendments and the following remarks.

Applicant amended claims 1 to 4, 6, 7 and 10 to expressly include the salt. In particular, the specification at paragraph 14 (and in particular, lines 19 and 20) provides a basis for the limitation. In addition, Applicant has deleted the language “the group consisting of” from dependent claims 2 to 4. The specification at paragraph 14 also provides a basis for amended claims 2 to 4. Applicant respectfully submits that the amendments enter no new matter.

Applicant confirms the election of Invention I (claims 1 to 9) and the return of Invention II (claim 10) to withdrawn status. But because amended claim 10 includes the limitations of claim 1, Applicant respectfully requests reconsideration of claim 10 under MPEP § 821.04 after allowance of claims 1 to 9.

The action rejects claims 1 to 9 for being anticipated under 35 U.S.C. § 103(a) by Tsuchiya et al. (US Pat. Pub. No. 2001/0006224). In particular, Tsuchiya et al. disclose the use of a barrier polishing composition that optionally includes an oxidizer. But in paragraphs 29 to 40, Tsuchiya et al. disclose and require the use of an inorganic salt—the amended claim language expressly excludes inorganic salts. Furthermore, paragraph 46 states that organic acids “may be used” for enhancing oxidation by the oxidizing agents and achieving stable polishing. Applicant respectfully submits that since the Tsuchiya et al. reference does not use language consistent with enhancing oxidation by the oxidizing agents “or” achieving stable polishing, it does not disclose the use of the organic acid without an oxidizing agent. And the Examples of Tsuchiya et al. that include inorganic acids, all contain oxidizers contrary to the scope of Claim 1. Applicant

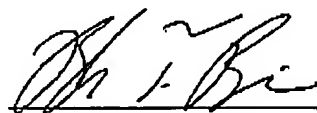
amended the claims to reflect that the claim scope covers organic acids or salts, not inorganic acids or salts; and the claims continue to require the solution to be oxidizer free. Thus, since Tsuchiya et al. fail to disclose an alkaline barrier polishing solution that operates with an organic acid or salt without the use of an oxidizing agent, inorganic salt or inorganic acid, Applicant respectfully submits that the cited reference does not anticipate claims 1 to 9, as amended.

With respect to claims 2 to 9, Tsuchiya et al. do not disclose the use of the claimed combination of organic acids or salts at a pH of 7 to 12 for removal of barrier materials in the claimed pH range with an oxidizer, inorganic acid or inorganic salt.

Applicant respectfully submits that claims 1 to 9, as amended, are in condition for allowance and respectfully request reconsideration of the amended claims. If a telephone call would expedite prosecution, please call me at (302) 283-2136.

Respectfully submitted,


Date


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